IN THE HIGH COURT OF BOMBAY AT GOA

APPLICATION FOR APPOINTMENT OF ARBITRATOR NO. 17 OF 2004

Rajim Builders, a registered partnership firm having its office at Rajim Classic, Martires Dias Road, Margao, Goa, represented by its partner Mr. Mohammed Akbar Jivani, businessman, married r/o H.N.101 Chrismichelle Bldg., Pajifond, Margao, Goa. ...Applicant

Versus

1. M/s. Pegasus Developments, a partnership having its office at Feira Alta, Mapusa, Goa,

2. Mr. Jerry Oriculo Alex Braganca, alias Jerry Braganza, alias Jerry Alex Braganca, r/o Angod, Mapuca, Bardez, Goa,

3. Mrs. Glenda Da Costa, alias Glenda S. Fernandes, residing at Alto Duler, Mapuca, Bardez, Goa, and

4. Melanie Debra D'Mello, residing at Gaunsawaddo, Mapusa, Bardez, Goa. ...Respondents.

Mr. M. B. Da Costa, Senior Advocate with Mr. J.A. Lobo, advocate for the applicant.

Ms. M. Conception, advocate for the respondents no.2 and 4.

Mr. Sudin Usgaokar, advocate for respondent no.3.

CORAM : A. P. LAVANDE, J.

DATE : 27th April, 2005.

ORAL ORDER

Heard Mr. M. B. D'Costa, learned Senior Counsel with Mr. Lobo, for the applicant, Ms. Conception for respondent nos. 2 and 4 and Mr. Sudin Usgaokar for the respondent no.3.

M/s Rajim Builders, a partnership firm is claimed to have been dissolved by respondent nos 2, 3 and 4. Respondent nos. 2, 3 and 4 were the partners of the said firm. The applicant and the respondents entered into an agreement dated 11th November, 1994. Clause 37 of the said agreement reads as under:-

> "C l. 37:- Any dispute between the parties hereto in respect of transaction herein entered into, shall be settled by referring them for arbitration of the Arbitrator, Adv. S.S. Rao whose decision in the matter will be final"

2. Advocate S. S. Rao who was chosen as Arbitrator by the parties has refused to act as Arbitrator. Therefore, the present application for appointment of Arbitrator has been filed by the applicant in view of certain disputes that have arisen between the parties.

3. I appoint Shri Alvaro Noronha de Ferreira, Retired District Judge residing at Miramar, Panaji, Goa, as the

Arbitrator in respect of the disputes that have arisen between the parties. The applicant to deposit the processing fees of Rs. 3,000/- within a period of two weeks from today.

The application stands disposed of.

A. P. LAVANDE, J.

mc.